

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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EDWARD CARTER, FRANK FIORILLO, KEVIN	:
LAMM, JOSEPH NOFI, and THOMAS SNYDER,	:
	:
Plaintiffs,	:
	:
v.	: Case No. 07 CV 1215 (SJF)(ETB)
	:
INCORPORATED VILLAGE OF OCEAN BEACH;	:
mayor JOSEPH C. LOEFFLER, JR., individually	:
and in his official capacity; former mayor NATALIE K.	:
ROGERS, individually and in her official capacity,	:
OCEAN BEACH POLICE DEPARTMENT; ACTING	:
DEPUTY POLICE CHIEF GEORGE B. HESSE,	:
individually and in his official capacity; SUFFOLK	:
COUNTY; SUFFOLK COUNTY POLICE	:
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT	:
OF CIVIL SERVICE; and ALISON SANCHEZ,	:
individually and in her official capacity,	:
	:
Defendants.	:
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PLAINTIFFS' THIRD SET OF INTERROGATORIES TO SUFFOLK COUNTY DEFENDANTS

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Eastern District of New York (“Local Civil Rules”), Plaintiffs Edward Carter, Frank Fiorillo, Kevin Lamm, Joseph Nofi and Thomas Snyder (“Plaintiffs”) hereby request that Defendants Suffolk County (“Suffolk County”), Suffolk County Police Department (“SCPD”), Suffolk County Department of Civil Service (“SCDCS”), and Alison Sanchez (“Sanchez”) (collectively, “Defendants”), answer the following Plaintiffs’ Third Set of Interrogatories to Suffolk County Defendants (“Interrogatories”) separately and fully in writing, under oath, and serve its answers signed and notarized within thirty (30) days upon Thompson Wigdor & Gilly LLP, 85 Fifth Avenue,

New York, New York 10003, in accordance with Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Civil Rule 33.3. These Interrogatories should be read, interpreted and responded to in accordance with the instructions and definitions set forth below as well as the Federal Rules of Civil Procedure and the Local Civil Rules. Plaintiffs reserve the right to serve supplemental interrogatories at a later date.

INSTRUCTIONS

1. The following Interrogatories shall be continuing in nature to the full extent permitted by law. Accordingly, if subsequent to serving an answer to any Interrogatory, or any part thereof, Defendants or any other person acting for or on Defendants' behalf obtains or becomes aware of additional information pertaining to such Interrogatory, Defendants are required to provide such information, by way of supplemental answers, which will augment or otherwise modify the previous answer. Such supplemental responses are to be made and served upon Plaintiffs within ten (10) days after Defendants receive or become aware of such information.

2. In furnishing answers to these Interrogatories, Defendants should provide all information which is available, including information in the possession, custody or control of Defendants or his, her, their or its attorneys or investigators, or anyone else acting on Defendants' behalf, and not merely such information held by Defendants on the basis of personal knowledge. Each answer is to be made separately and fully. An incomplete or evasive answer will be considered a failure to answer. If after exercising due diligence to secure the information, Defendants cannot answer in full any one of the following Interrogatories, Defendants should expressly indicate so, answer to the extent possible, specifying Defendants' inability to answer the remainder of the Interrogatory and stating

whatever information or knowledge Defendants have concerning the unanswered portion(s) including the name of any person(s) who may have additional knowledge or information to complete the response.

3. Each Interrogatory may be answered in whole or in part by attaching documents that contain sufficient information to answer the question completely. The relevant portion of the document, however, must be so marked or indicated.

4. Should Defendants object to an Interrogatory in whole or in part, state the particular Interrogatory to which Defendants object and the precise grounds for the objection in sufficient detail to allow Plaintiff to evaluate and respond to the objection and, if necessary, the Court to rule on the objection.

5. These Interrogatories should be read, interpreted and responded to in accordance with the definitions set forth and the detail required by the Federal Rules of Civil Procedure and Local Civil Rules.

6. In the event that a claim of privilege or other evidentiary exclusion is asserted in objection to an Interrogatory, please furnish the information required by Local Civil Rule 26.2.

DEFINITIONS

1. The term “**communication**” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

2. The term “**document or electronically stored information**” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data

compilations. A draft or non-identical copy is a separate document within the meaning of this term.

3. When referring to a person, **“to identify”** means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

4. When referring to documents, **“to identify”** means to give, to the extent known, the (a) type of document; (b) general subject matter; (c) date of the document; and (d) author(s), addressee(s), and recipient(s).

5. For the purposes of these Requests, the word **“Defendants”** refers to Defendants Suffolk County, Suffolk County Police Department, Suffolk County Department of Civil Service, and Alison Sanchez, and, where applicable, her, their or its agents, representatives, officers, directors, employees, partners, corporate parent, predecessors, successors, subsidiaries, affiliates and present or former attorneys, collectively.

6. For the purposes of these Requests, the word **“Plaintiffs”** refers to Plaintiffs Edward Carter, Frank Fiorillo, Kevin Lamm, Joseph Nofi and Thomas Snyder, collectively and/or individually.

7. The word **“person”** includes natural persons, partnerships, corporations, international and local unions, associations, joint ventures, estates, trusts, receivers, other forms of legal or business entities, federal, state and local governments and all departments and agencies thereof, and any other group or combination acting as an entity.

8. The term “**concerning**” means containing, consisting of, relating to, referring to, describing, evidencing or constituting, in whole or in part.

9. The word “**date**” means the exact day, month and year, if ascertainable, or if not, the best approximation thereof.

10. The singular includes the plural and vice versa.

11. The connectives “**and**” and “**or**” shall be construed either disjunctively or conjunctively as necessary to make the request inclusive rather than exclusive.

12. “**Any**” means “all,” “each and every” as well as “any one.”

13. “**He**” shall also mean “**she**” and vice versa.

14. “**His**” shall also mean “**hers**” and vice versa.

15. The terms “**all**” and “**each**” shall be construed as all and each.

INTERROGATORIES

INTERROGATORY NO. 1:

Identify each and every person who authored, posted and/or participated in any way in authoring and/or posting: (i) the comment entitled "burning bridges" on the Ocean Beach Police Corruption thread in the Police Issues N/S forum on The Schwartz Report website, which presently appears at

<<http://www.theschwartzreport.com/vb/showpost.php?p=95208&postcount=4>> (*see also* copy attached hereto); (ii) the comment on the Ocean Beach Police Corruption thread in the Police Issues N/S forum on The Schwartz Report website that has no title and presently appears at

<<http://www.theschwartzreport.com/vb/showpost.php?p=99112&postcount=55>> (*see also* copy attached hereto); and (iii) the comment on the Ocean Beach Police Corruption

thread in the Police Issues N/S forum on The Schwartz Report website that has no title and presently appears at

<<http://www.theschwartzreport.com/vb/showpost.php?p=99288&postcount=56>> (*see also* copy attached hereto).

Dated: July 10, 2009
New York, NY

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By: 

Andrew Goodstadt (AG-2760)

Ariel Y. Graff (AG-8039)

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New York, New York 10003

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Counsel for Plaintiffs

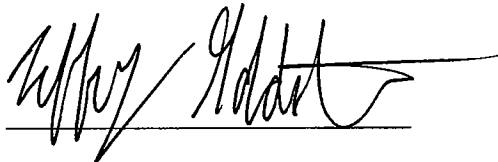
CERTIFICATE OF SERVICE

A copy of the foregoing "Plaintiffs' Third Set of Interrogatories to Suffolk County Defendants" was served this 10th day of July, 2009, by Facsimile and First Class Mail, on counsel for Defendants as follows:

Arlene S. Zwillling, Esq.
Suffolk County Attorney
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099
Counsel for Defendants Suffolk County; Suffolk County Police Department; Suffolk County Department of Civil Service; and Alison Sanchez.

Kevin Connolly, Esq.
Marks, O'Neill, O'Brien & Courtney, P.C.
530 Saw Mill River Road
Elmsford, New York 10523
Counsel for Defendant George B. Hesse.

Kenneth A. Novikoff, Esq.
Rivkin Radler LLP
926 Rexcorp Plaza
Uniondale, New York 11556
Counsel for Defendants Incorporated Village of Ocean Beach; Joseph C. Loeffler Jr.; Natalie K. Rogers; and Ocean Beach Police Department.

A handwritten signature in black ink, appearing to read "Kenneth A. Novikoff", is written over a horizontal line.



04-06-2006, 12:18 PM

#3

5 star jarhead

Posts: n/a

hummm

if this is true, please come work for the pd, I personnally would love to be nder your command



04-06-2006, 01:38 PM

#4

cant touch this

Posts: n/a

burning bridges

Gee guys, seems it's pretty obvious who is writing this about the Chief... didn't anyone ever tell you about burning bridges? You guys look like nothing more than immature, resentful babies because your services were no longer wanted. You act like vengeful immature brats, no wonder OB doesnt want you on the force!! Anyone can tell tall tales, just because some guys feel burned and want to get back at someone, it doesnt mean anyone is going to take what you say seriously!!! Get over it, losers!! Move on. The only one who looks bad now is you!! Sore losers. Grow up.



04-06-2006, 02:09 PM

#5

Be Careful

Posts: n/a

OBPD

People who have local gov't jobs or civil service jobs should be careful who they slander on these message boards. Anything and everything can be tracked. So before you throw stones at a glass house, you better be damn sure that you don't have any of your own skeletons. When I read you message post it sounds like you are a disgruntled sore loser.



04-06-2006, 02:12 PM

#6

OBPD Friend

Posts: n/a

Anonymous

Let me ask you something. Do you accept anonymous police complaints? Stop hiding behind a message board and post your name. Be a man!!!



04-06-2006, 03:35 PM

#7

Hesse000013

Posts: n/a



Hey, norm...what the hell are you talking about...you're talking to a bunch of retarded cops



05-02-2006, 10:25 AM

#54

VillageIdiots

Posts: n/a



Wife

So 'Chief'....is this the day your wife finds out about all of your whores? How will she find out...will it be an anonymous letter? A phone call? A visit by an 'old friend'? What will you do when she confronts you with your AdultFriendFinder profile? Yes Chief, I saved it and printed it out for her!!! I figured it would be a nice gift for the both of you, seeing as how you are so generous to others.

Remember Chief...Anticipation of your wife finding out is worse than your wife actually finding out!!!!!!!!!!!!!!!!!!!!!!

Tick Tock Chief.....



05-03-2006, 08:17 PM

#55

Posts: n/a



Why is this post even allowed to remain on a Police site. These bozo's aren't even cops? So sad sack got fired and now he's going after the Chief for past indiscretions - we don't care. Why don't you WANNA BE'S, and FIRED USED TO BE WANNA BE'S, take your conversation where it belongs - out to the parking lot like real men would.



05-04-2006, 06:17 PM

#56

Posts: n/a



Any moron can post on this site and this thread, even you and I.



05-04-2006, 07:26 PM

#57

redstone14
Junior Member

Join Date: Apr 2006
Posts: 1

Hesse000038